

In the US District Court for the District of Oregon
Benjamin Barber

vs

Vance, et al

Case no 16CV02105-AC

Notice - Pending Motions / Writs

Plaintiff notifies the Court that the following motions / writs have been pending adjudication.

- 1 ECF 401 Amended writ of Error / Motion for Relief from Judgement -- Since at least 05-14-2019
- 2 Motion to Reopen time for Appeal -- since at least 05-06-2019 (ECF 396)
- 3 The Motion to Reopen time for Appeal was to be taken under Advisement as of 06/3/2019 (ECF 399)

Pursuant to Washington v. Ryan 883 F.3d 1087, the Court should vacate and reenter the judgement to reopen the time for Appeal. The judgement originally sent to the jail was returned to the Court as being undeliverable. After, Petitioner filed for ECF Privileges before the end of the 30 day period, but Acosta denied it and sent him the judgement, rendering the notice of Appeal sent the next day after it was recieved 2 days late. Subsequently clerk JTS entered the wrong address for the Court of Appeals ("22nd" instead of "32nd" ave), rendering it undeliverable. Thus the relief should be granted, due to excusable neglect, and error by the Court.

Date 08-28-2019

Ben Barber